

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.24805 and 24869 of 2015

K.Deepalakshmi ... Petitioner in W.P.No.24805/2015
A.Ramamoorthy ... Petitioner in W.P.No.24869/2015

Vs.

- 1 The Secretary to the Government
Social Welfare and Nutritious Meals Program
Department Fort St. George
Chennai - 600 009
- 2 The Commissioner of Social
Welfare 2nd Floor SIDCO Corporate Office
old building T.V.K. Industrial Estate
Guindy Chennai - 600 032
... Respondents in both the W.Ps.
- 3 The District Social Welfare
Officer Virudhunagar. ... Respondent in W.P.No.24805/2015
- 3 The District Social Welfare
Officer N.K.Road,
Thanjavur - 613 006. ... Respondents in W.P.No.24869/2015

Prayer in W.P.No.24805 of 2015:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 & 2 to regularize the service of the petitioner in the cadre of Junior Assistant based on the proposal sent by the 3rd respondent in Na.Ka.No.2711/A1/2008 dated 06.04.2009 within a reasonable time.

Prayer in W.P.No.24869 of 2015:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 & 2 to regularize the service of the petitioner in the cadre of Junior Assistant based on the proposal sent by the 3rd respondent to the 2nd respondent in Na.Ka.No.1656/A1/2008 dated 09.07.2015 within a reasonable time.

For Petitioners : Mr.K.Venkataramani
Senior Counsel
for M/s.M.Muthappan

For Respondents : Mr.R.Vijayakumar for R1 and R3
Additional Government Pleader
Mr.Abdul Saleem for R2

C O M M O N O R D E R

By consent, the writ petitions are taken up for final disposal.

2.The petitioner in W.P.No.24805 of 2015 was appointed on compassionate ground as a Typist on 31.08.2007 on account of the demise of her father who died in harness while he was working as an Office Assistant in the Nutritious Program of Paramathi Block of Karur District on 11.11.1994. The petitioner has also joined duty on 05.09.2007 and according to her, she is discharging her duty honestly and sincerely to the satisfaction of the Superior Officers. The grievance expressed by the petitioner is that though she has completed nearly eight years of service, her services are yet to be regularised and the third respondent has also addressed the second respondent on 10.11.2008 for regularising the services of the petitioner and the third respondent once again sent a reminder on 06.04.2009 by enclosing all necessary documents and also drawn the attention of the second respondent that the service record of the petitioner has already been forwarded to them and since no orders have been passed for regularisation of the services, the petitioner came forward to file the writ petition.

3.The petitioner in W.P.No.24869 of 2015 was appointed on compassionate ground as a Junior Assistant vide proceedings of the second respondent dated 08.09.2007 and he reported for duty on 20.09.2008 and according to him, he is discharging his duty honestly and sincerely to the satisfaction of the Superior Officers. The petitioner would further state that he has also passed departmental test for declaration of probation and so as to enable him to be promoted to the next post and on account of the delay in regularisation of the services, such of those persons who have been appointed by the Tamil Nadu Public Service Commission as Junior Assistant through a selection conducted during the year 2010-11 after the appointment of the petitioner have been given promotion as Assistant and further promoted as Superintendents and are serving in higher posts, whereas, the petitioner for want of regularisation continues to work as Junior Assistant. It is further stated by the petitioner that the third respondent has sent proposals dated 17.12.2008, 17.03.2009, 29.11.2010, 31.05.2012, 17.06.2012 and 09.07.2015 to the second respondent for regularisation of the services of the petitioner, but the second respondent is yet to respond to the same and hence, came forward to file the writ petition.

4.Heard the submissions of Mr.K.Venkataramani, learned counsel appearing for the petitioner, Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 and 3 and Mr.Abdul Saleem, learned counsel who accepts notice on behalf of the second respondent.

5.This Court taking into consideration the above facts and circumstances, directs the second respondent to act on the proposal sent by the third respondent with regard to the regularisation of the services of the petitioners herein and take a decision within a period of six weeks from the date of receipt of a copy of this order and after taking a decision, shall forward the same to the first respondent within a period of two weeks thereafter and the first respondent on receipt of the proposal by the second respondent shall consider the same on merits and in accordance with law and pass orders within a period of six weeks thereafter and communicate the decision taken, to the petitioners. The writ petitions are disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

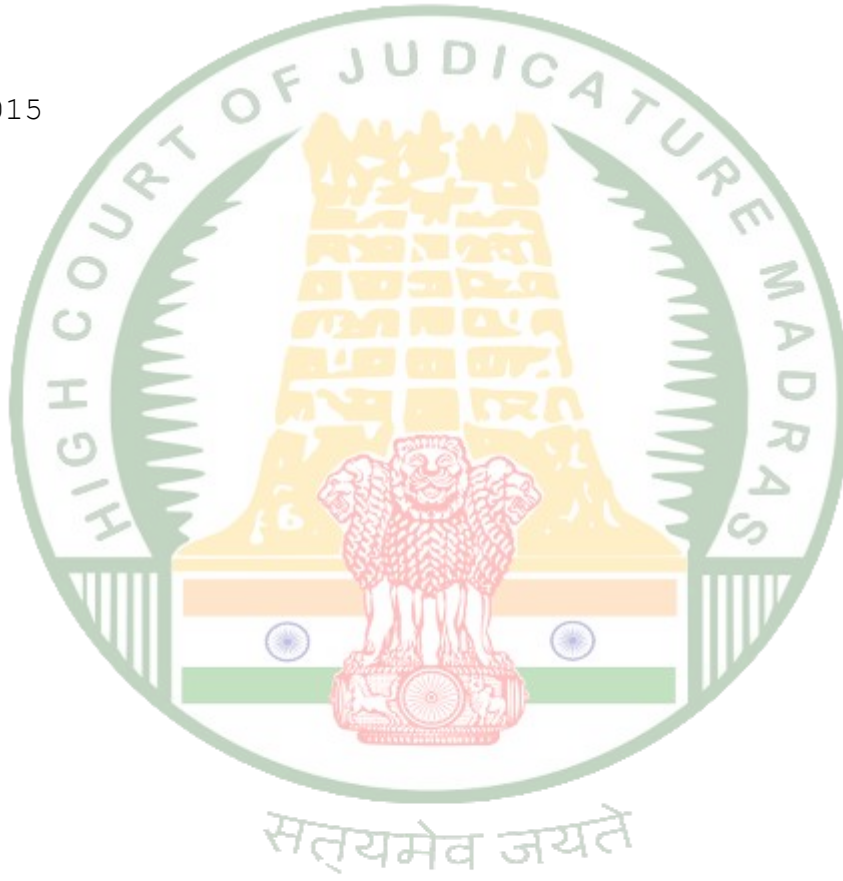
To

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+2 ccs to Mr.M.Muthappan, Advocate sr.42229,422232
+2 ccs to Government Pleader, High Court

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